

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:)	
)	Case No.: 17-05815-5-SWH
CHRISTOPHER LEON BROWN and)	
TRACY MICHELLE BROWN,)	Chapter 7
Debtors,)	
)	Adv. Pro. No.: 18-00053-5-SWH
HOLMES P. HARDEN, TRUSTEE,)	
Plaintiff,)	
)	
)	
v.)	
T&C FAMILY TRUST and MINISTER)	
TRACY MICHELLE BROWN in her)	
capacity as Trustee of the T&C Family)	
Trust,)	
Defendants.)	

PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

Plaintiff Holmes P. Harden, Trustee ("Plaintiff"), pursuant to Bankruptcy Rule 7026 and Fed. R. Civ. P. 34, hereby propounds the following Requests for Production of Documents to Defendants T&C Family Trust and Minister Tracy Michelle Brown, in her capacity as Trustee of the T&C Family Trust, and further states that responses to the following Requests must be made within 30 days of service thereof, subject to the Instructions and Definitions below. Plaintiff reserves all rights to propound additional Requests for Production of Documents at such time(s) as may be necessary. Pursuant to Federal Rule of Civil Procedure 26(e), these Requests for Production are continuing and require supplemental responses if additional information regarding them is obtained by Plaintiff. If any Request for Production cannot be responded to in full, it should be answered to the fullest extent possible and the reason(s) should be set forth regarding why it could not be answered.

INSTRUCTIONS

All documents produced shall be segregated and identified by the paragraph to which they are primarily responsive. In the event that more than one copy of any document exists, the original shall be produced as well as every copy on which appear any notations or markings of any sort not appearing on the original.

DEFINITIONS

Notwithstanding any definition below, each word, term, or phrase used in these Requests for Production is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure. As used herein, the following terms are to be interpreted in accordance with these definitions:

1. *Concerning*: The term “concerning” means relating to, pertaining to, referring to, describing, evidencing, or constituting.
2. *Membership Interest*: The term “Membership Interest” refers to a membership interest in T&C Transportation Services, LLC.
3. *Person*: The term “person” is defined as any natural person or any business, legal or governmental entity or association.
4. *Property*: The term “Property” means the property located 11803 Wake Bluff Drive, Raleigh, NC 27614 and as described in greater detail in Paragraph 5 of the Complaint.
5. *Transfers*: The terms “the Transfers” means the transfer by one or both of the debtors of (a) a membership interest in T&C Transportation Services, LLC and (b) their residence as described in Paragraph 5 of the Complaint to the Defendants on or about October 24, 2017 and on or about October 26, 2017.
6. *Trust*: The term “Trust” refers to the T&C Family Trust.

7. *Trust Agreement*: The term “Trust Agreement” refers to the Declaration of Trust Under Agreement pertaining to the T&C Family Trust.

8. *You/Your*: The terms “you” or “your” include the person(s) to whom these Requests are addressed, and all of that person’s agents, representatives and attorneys, either past or present.

9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. “All” means “any and all”; “any” means “any and all.” “Including” means “including but not limited to.” “And” and “or” encompass both “and” and “or.” Words in the masculine, feminine or neuter form shall include each of the other genders.

10. *Case/Action/Lawsuit/Litigation*: The terms “case,” “action,” “lawsuit” or “this litigation” shall mean the above-captioned litigation.

AS TO CLAIMS OF PRIVILEGE

If Defendants claim that any document sought by these requests is not subject to discovery on ground of any privilege, state with respect to any such item:

- A. The date of the document;
- B. The type or nature of the document (*e.g.*, letter, recording, etc.);
- C. The person or persons who prepared the document and his or her job title, address, and telephone number;
- D. The name, job title, address, and telephone number of each person to whom the document was copied or shown;
- E. The present location and custodian of the document;
- F. The basis on which Defendants claims privilege;
- G. A description of the contents of the document sufficient to support the claim of privilege; and

H. The paragraph of these Requests for Production to which each document relates.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. **Produce** all documents you identified and described in response to Interrogatory 5.

Answer:

2. **Produce** all documents upon which you will rely to support your First Affirmative Defense.

Answer:


3. **Produce** all documents upon which you will rely to support your Second Affirmative Defense.

Answer:

4. **Produce** all documents upon which you will rely to support your Third Affirmative Defense.


Answer:

Respectfully submitted, this the 11th day of September, 2018.

By: 
Holmes P. Harden, Trustee in Bankruptcy
for Christopher Leon Brown and Tracy
Michelle Brown
301 Fayetteville Street
Raleigh, NC 27601
Telephone: (919) 981-4000
Facsimile: (919) 981-4300

CERTIFICATE OF SERVICE

I, Holmes P. Harden, do hereby certify that the *Plaintiff's First Set of Requests for Production of Documents* was served upon all parties of record as indicated below by mailing a copy thereof at the addresses indicated below with the proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Postal Service in Raleigh, North Carolina, on the 11th day of September, 2018.

By: 
Holmes P. Harden, Trustee in Bankruptcy
for Christopher Leon Brown and Tracy
Michelle Brown
301 Fayetteville Street
Raleigh, NC 27601
Telephone: (919) 981-4000
Facsimile: (919) 981-4300

SERVED VIA US POSTAL SERVICE:

W. Travis Barkley
Barkley Law Office, P.C.
7413 Six Forks Road, #306
Raleigh, NC 27615
Counsel for Defendants